IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4315 of 2005

Between:

Gundu Rama Mohan,, S/o. Pitchaiah,
R/o. Rayanagudem Village, Garidepalli mandal,

Nalgonda District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Nalgonda,

Nalgonda District.
2 The Motor Vehicles Inspector, Bhongir, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Reg.No. AP-37-U-7137 vide Check Report No. 0580010 dt. 11-7-2003 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the Tractor and Trailor vehicle and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following:

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ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle i.e. Omni Bus/Matadar Van bearing Registration No.AP-37-U-7137.

The 2nd respondent seized the petitioner's vehicle under check report bearing No.0580010, dated 11.07.2003 for violation of certain irregularities and handed over it to the 1st respondent.

The learned counsel for the petitioner has contended that the petitioner is a poor person and that he made a representation, dated 08.08.2003 to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. The counsel has further contended that if any violations are made, the petitioner will be liable to pay the amount.

The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the

1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

As per the check report, dated 11.07.2003, the

2nd respondent seized the vehicle of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 08.08.2003, the 1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for travelling purposes. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

In the light of the above circumstances, the 1st respondent-Regional Transport Authority is directed to release the vehicle of the petitioner for interim custody on condition that the petitioner deposits Rs.5,000/- (Rupees Five Thousand Only) on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.*
2. *that the petitioner shall not change the engine or any part of the vehicle.*
3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*
4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.*

The writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

Dated: 07.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue CC by tomorrow

B/o.

Dsr

To:

1. The Secretary, Regional Transport Authority,

Nalgonda, Nalgonda District

2. The Motor Vehicles Inspector,

Nalgonda District

3. Two CCs to the Government Pleader

for Transport, High Court Buildings,

Hyderabad (OUT).

4. Two CD copies.

*Form-NIC-OGS/WP{**SPJS**}*